

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated November 4, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-19 are pending in the Application.

In the Office Action, claims 1-19 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,522,616 to Magnitski ("Magnitski"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-19 are allowable over Magnitski for at least the following reasons.

Magnitski shows a multilayer optical information storage medium (see, Magnitski, abstract). In Magnitski, "[t]he reading is performed by illumination of one or several pages and imaging by an optical system of a selected page onto a matrix of light sensors (CCD or photodiode array)." (See, Magnitski, Col. 3, lines 39-42.)

The Office Action has taken a position that Magnitski shows "wherein each of the plurality of optical apertures (35) are separated from each other of the plurality of optical apertures by an optically opaque portion, each optical aperture being arranged to image substantially only the near field of light emitted from a respective data area (Fig. 3, column 3, lines 46-57, where the readout layer is lenslet card (34), which has a several apertures and are separated from each other by an opaque portion, and each aperture emits light from a data area from card (10))", however, it is respectfully submitted that reliance on Magnitski for showing this recitation of the claims is misplaced.

Magnitski in the cited section states (emphasis added):

Such an arrangement is shown in FIG. 3. In the arrangement 30, a matrix of photodiodes 31 includes multiple, individually addressable photodiodes 32 arranged in the same arrangement as the pages on the card 10. A single photodiode 32 is actuated to illuminate a frame 33 of pages 15 on the card 10 with fluorescence-exciting light. A lenslet card 34 having multiple lenslets 35 is disposed to intercept the light emitted by fluorescence from the frame 33 in the card 10. A single lenslet 35 in the lenslet card 34 intercepts the light from the frame 33 corresponding thereto. The lenslet 35 and a field lens 36 focus an image of the desired page 15 in the frame 33 onto a photosensor matrix 37.

As is clear from a simple inspection of Magnitski, FIG. 3, the lenslets 35 are embedded in the lenslet card 34. Should the material of the lenslet card 34 that separates the lenslets 35 be opaque as alleged in the Office Action, then clearly the (emphasis added) "lenslets 35 is[would not be] disposed to intercept the light emitted by fluorescence from the frame 33 in the card 10" as stated above because the lenslets 35 would be deposited in opaque material since the material separating the lenslets 35 is also deposited in the optical path of the frame 33 prior to the frame 33 reaching the lenslets 35. Clearly the material of the lenslet card 34 of Magnitski cannot be optically opaque.

It is respectfully submitted that the optical information storage unit of claim 1 is not anticipated or made obvious by the teachings of Magnitski. For example, Magnitski does not teach, disclose or suggest, an optical information storage unit that amongst other patentable elements, comprises (illustrative emphasis added) "an information layer comprising a plurality of data areas, a first side wherein light from a light source enters the information layer, and a second side separated from the first side, wherein light emitted from the information layer is emitted from the second side, each data area being arranged to emit light when illuminated by light at a predetermined wavelength; and a readout layer separated from the information layer so that the readout layer and the information layer are

not in contact with each other, the readout layer comprising a plurality of optical apertures, wherein each of the plurality of optical apertures are separated from each other of the plurality of optical apertures by an optically opaque portion, each optical aperture being arranged to image substantially only the near field of light emitted from a respective data area" as recited in claim 1, and as similarly recited in each of claims 15, 17, 18 and 19.

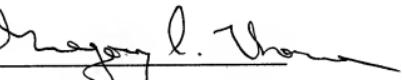
While the Office Action alleges that the lenslets 35 of FIG. 3 of Magnitski shows such apertures (see, Magnitski, FIG. 3), this assertion finds no support within the four corners of Magnitski. In fact, as is clear from a simple inspection of Magnitski, clearly the lenslets 35 are not embedded in an optically opaque material.

Based on the foregoing, the Applicant respectfully submits that claims 1, 15, 17, 18 and 19 are patentable over Magnitski and notice to this effect is earnestly solicited. Claims 2-14 and 16 respectively depend from one of claims 1 and 15 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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